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**FEDERAL ELECTION COMMISSION**  
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**FIRST GENERAL COUNSEL'S REPORT**

**CELA**

MUR: 6620  
DATE COMPLAINT FILED: August 2, 2012  
DATE OF NOTIFICATION: August 8, 2012  
DATE OF LAST RESPONSE: September 12, 2012  
DATE ACTIVATED: October 5, 2012

EXPIRATION OF SOL: December 14, 2016 –  
March 30, 2017

**COMPLAINANT:**

James Taylor, Sr., The City News

**RESPONDENTS:**

Friends of Brian Woodworth and Hilary  
Woodworth in her official capacity as treasurer  
Olivet Nazarene University  
Walter ("Woody") Webb  
Dennis Crocker

**RELEVANT STATUTES  
AND REGULATIONS:**

2 U.S.C. § 431(8)  
2 U.S.C. § 434(b)  
2 U.S.C. § 441b(a)  
11 C.F.R. § 100.52  
11 C.F.R. § 100.54  
11 C.F.R. § 100.74

**INTERNAL REPORTS CHECKED:**

Disclosure Reports

**OTHER AGENCIES CHECKED:**

None

**I. INTRODUCTION**

Complainant alleges that congressional candidate Brian Woodworth received a prohibited in-kind contribution from Olivet Nazarene University (the "University") when the University, with the assistance of University Vice President Walter "Woody" Webb and University Dean Dennis Crocker, granted students internship credit for helping Woodworth gather the signatures he needed to qualify for appearance on the ballot as a candidate for the

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House of Representatives. Although the University provided evidence that it did not offer or grant any internship credits for gathering signatures, it acknowledged granting one hour of course credit to a student who interned at Woodworth's campaign office, as part of a University-approved independent study program.

As discussed below, the Commission previously has concluded that, as long as the sponsoring educational institution offers college credit in a manner which is nonpartisan and consistent with accepted accreditation standards, no in-kind contribution results from the work performed when a student receives college credit for an uncompensated internship at the campaign office of a federal candidate. Given the available information, we recommend that the Commission find no reason to believe that Olivet Nazarene University, Walter ("Woody") Webb, and Dennis Crocker violated 2 U.S.C. § 441b(a), or that Friends of Brian Woodworth and Hilary Woodworth in her official capacity as treasurer violated 2 U.S.C. §§ 434(b) and 441b(a), and close the file.

## **II. FACTS**

### **A. Background**

Brian Woodworth was a candidate for Congress in the Second Congressional District of Illinois in 2012. Woodworth was also an associate professor of criminal justice in the University's School of Professional Studies between August 2006 and August 1, 2012. *See* University Resp. at 1; Committee Resp. at 2, Attach. 2 ("Woodworth Aff."). The University is a 4,600 student private institution in Illinois that operates as a 501(c)(3) non-profit corporation. *See* <http://www.olivet.edu/fast-facts/> (last visited January 30, 2013); University Resp. at 1. Webb is the University's Vice President for Student Development, and Crocker is the Dean of the University's School of Professional Studies.

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1 Woodworth filed his Statement of Candidacy and a Statement of Organization with the  
2 Commission on January 30, 2012, designating Friends of Brian Woodworth as his principal  
3 campaign committee (the "Committee").<sup>1</sup>

4 **B. Alleged University Support for Woodworth's Candidacy**

5 A February 8, 2012, article in the University's student run newspaper reported that  
6 Woodworth had received help from University student volunteers in launching his campaign.  
7 Nicole LaFond, *Professor Prepares to Run for Congress*, GLIMMERGLASS, Feb. 8, 2012,  
8 available at [http://issuu.com/glimmerglass/docs/february\\_8](http://issuu.com/glimmerglass/docs/february_8) (last visited January 29, 2013)  
9 ("*GlimmerGlass* article"). The article quotes Woodworth as stating that several students of a  
10 University political science club, Capitol Hill Gang, helped him get the requisite 600 ballot  
11 access signatures he needed to appear on the ballot. *Id.* Reportedly, the students also did  
12 research and graphic design for Woodworth's primary election campaign. *Id.*

13 On February 12, 2012, Complainant, Woodworth's opponent in the Republican  
14 congressional primary election, complained to the University about the University's apparent  
15 support of Woodworth's candidacy, as described in the student newspaper article. The student  
16 newspaper ran a clarification in its March 15, 2012, issue stating that, though some had  
17 interpreted the prior article as suggesting the University's endorsement of Woodworth's  
18 candidacy, the University is legally prohibited from participating in any political campaign on  
19 behalf of (or in opposition to) any candidate for elective public office. *See* University Resp.,  
20 Ex. I; [http://issuu.com/glimmerglass/docs/march\\_15](http://issuu.com/glimmerglass/docs/march_15) (last visited January 30, 2013).

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<sup>1</sup> The Committee amended its Statement of Organization on September 18, 2012 replacing Ryan Hayes as the Committee's treasurer with Hilary Woodworth.

1 Complainant subsequently filed this Complaint alleging that the University made, and  
2 the Committee received, an in-kind contribution by giving college credits to students who  
3 helped Woodworth gather signatures to appear on the ballot. *See* Compl. at 1. Complainant  
4 alleges that Woodworth, Webb, and Crocker solicited the students' help by promising and  
5 giving them internship credits, which Complainant valued at \$1,136 per credit. Complainant  
6 also asserts that the alleged offer to compensate the students with college credit is evidence that  
7 the students were not volunteers. Complainant did not provide information showing that an  
8 offer of credit was made or that any internship credit was actually given to students who  
9 gathered signatures.

10 Respondents deny the allegations and submitted sworn affidavits from University  
11 officials in support. An affidavit from the University's Registrar, Jim Knight, attests that the  
12 University did not give any student internship credit for gathering Woodworth's ballot access  
13 signatures. University Resp. at 3, Ex. E ("Knight Aff."). The University and Webb also assert  
14 that Webb could not have given internship credit to students because he did not have that  
15 authority. University Resp. at 4, Ex. J ("Webb Aff."). Both Webb and Crocker also attest that  
16 neither of them arranged for or approved any college credit for students who worked on  
17 Woodworth's campaign or took any action in support of Woodworth's candidacy. Webb Aff.;  
18 University Resp. at 5, Ex. L ("Crocker Aff."). The University speculates that any student who  
19 gathered ballot access signatures for Woodworth likely volunteered. University Resp. at 3.  
20 Further, the University provided a copy of correspondence by which it cautioned Woodworth  
21 that it could not support his candidacy and that "there must be no perception that there is a  
22 linkage between Olivet and your campaign." *See* University Resp. at 5, Ex. M.

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1           The Committee, in its response, asserts that since no University students actually  
2     received internship credits, or anything else of value, for gathering Woodworth's ballot access  
3     signatures, no in-kind contribution was made, or received. Committee Resp. at 2. The  
4     Committee, in a sworn affidavit from Woodworth, asserts that all of the students who gathered  
5     Woodworth's ballot access signatures were unpaid volunteers. *Id.* at 2, Attach. 2 ("Woodworth  
6     Aff.").

7           The University, however, acknowledges that one student received one credit toward a  
8     Political Science minor for an internship at Woodworth's campaign office during the 2012  
9     spring term. *See* University Resp. at 3. The student drafted press releases, advertisements, and  
10    other campaign materials during February and March 2012. *See id.*, Ex. F. The University  
11    explained that the internship was part of its "directed study" program, a self-designed course in  
12    which a student pursues a topic of interest that is not available through a regularly offered  
13    course. University Resp. at 3. The University explained that the internship must be approved  
14    by a University faculty member and be processed through the University's Office of the  
15    Registrar for the student to receive credit. *Id.*

16          The Political Science faculty member who approved the student's directed study at  
17    Woodworth's campaign office, David Claborn, declared in a sworn affidavit that he did not  
18    encourage the student to volunteer for Woodworth's campaign. *See* University Resp. at 3, Ex.  
19    G ("Claborn Aff."). Further, this faculty member stated that he "consistently informed students  
20    that they could volunteer for any candidate, including James Taylor, Sr. [Woodworth's  
21    opponent in the Republican congressional primary]." *See* Claborn Aff.

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**III. LEGAL ANALYSIS**

The Complaint alleges that the University, a non-profit corporation, made a prohibited in-kind contribution to the Committee when it compensated students — in the form of college internship credits — for gathering signatures to place Woodworth's name on the Illinois ballot.

Corporations are prohibited from making contributions in connection with a federal election, and political committees are prohibited from knowingly accepting or receiving corporate contributions. 2 U.S.C. § 441b(a); 11 C.F.R. § 114.2(h)(1). Corporate officers are prohibited from consenting to corporate contributions in connection with a federal election. 2 U.S.C. § 441b(a); 11 C.F.R. § 114.2(e). Contributions to political committees must be disclosed to the Commission. 2 U.S.C. § 434(b).

A contribution includes anything of value made by any person for the purpose of influencing any election for federal office or the payment by any person of compensation for the personal services of another person which is rendered to a political committee without charge for any purpose. 2 U.S.C. § 431(8)(A); 11 C.F.R. §§ 100.52, 100.54. The value of services provided without compensation by any individual who volunteers on behalf of a candidate or political committee, however, does not constitute a contribution. 2 U.S.C. § 431(8)(B)(i); 11 C.F.R. § 100.74.

In Advisory Op. 1975-100 (Moss), the Commission specifically addressed whether college credit received for an internship in a federal campaign office was compensation, and thus a contribution from the college to the campaign. In that request, Utah Senator Frank Moss asked the Commission whether in-kind contributions would result from having political science students from the University of Utah receive college internship credits for serving as voluntary interns in his campaign office. The Commission concluded that, if the university's internship

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1 program was conducted in a nonpartisan manner and in a manner consistent with accepted  
2 accreditation standards generally applicable to institutions of higher education, receiving college  
3 credit would not constitute compensation.<sup>2</sup>

4 Based on the facts presented in this matter, it does not appear that the University made  
5 an in-kind contribution to the Committee. With respect to the allegation that an in-kind  
6 contribution resulted from students receiving internship credit for collecting ballot signatures  
7 for Woodworth, Respondents deny that students were granted college credits and provided  
8 sworn affidavits from Woodworth, the University's Registrar, and other University officials in  
9 support. *See* University Resp. at 3-5; Committee Resp. at 2. In contrast, the Complainant  
10 provides no supporting information to substantiate his assertion that the students who gathered  
11 ballot access signatures for Woodworth received college credits for their efforts, and we have  
12 uncovered no information showing that they did. Accordingly, there is no basis on which to  
13 conclude that respondents made or received an in-kind contribution in connection with students  
14 gathering signatures.

15 The University concedes, however, that a single political science student received one  
16 college credit for completing a two-month internship in Woodworth's campaign office in  
17 February and March 2012, as part of the University's standard directed study program. *See*  
18 University Resp. at 3. The credit granted to the student would not constitute compensation,  
19 however, if the university's directed study program was conducted in a nonpartisan manner and  
20 in a manner consistent with accepted accreditation standards generally applicable to institutions

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<sup>2</sup> In contrast, an in-kind contribution results when an intern is compensated through a stipend, scholarship, or other forms of compensation for participating in an internship where the intern engages in activity related to the campaign of a federal candidate. *See* Advisory Op. 1979-67 (RNC/DNC); Advisory Op. 1982-60 (American Society of Mechanical Engineers); Advisory Op. 1985-17 (Congressional Youth Leadership Council); Advisory Op. 2003-20 (Hispanic College Fund, Inc.). *Compare* Advisory Opinion 1982-31 (Koenig) (stipend for internship that falls within the statutory exemption for legal and accounting services is not a contribution).

13044340639

1 of higher education.<sup>3</sup> See Advisory Op. 1975-100 (Moss). The available information shows  
2 that the University's internship program was conducted in a nonpartisan manner and in a  
3 manner consistent with accepted accreditation standards generally applicable to institutions of  
4 higher education.<sup>4</sup> Specifically, the University provided information indicating that: (1) the  
5 student receiving the internship credit independently chose Woodworth's campaign; (2) the  
6 University professor who approved the directed study and the internship credit did not  
7 encourage the student to volunteer for Woodworth's campaign and also informs students that  
8 they could volunteer for any candidate, including Woodworth's opponent, *see* Claborn Aff.; and  
9 (3) the University maintains that its 501(c)(3) nonprofit status prohibits it from supporting or  
10 opposing any candidate. See University Resp. at 4. Given that the University does not  
11 encourage or discourage students to volunteer for candidates of any particular party, the directed  
12 study program appears to be nonpartisan. Although Woodworth's status as a professor in the  
13 Criminal Justice department at the University could give him a practical advantage over other  
14 candidates in recruiting potential student interns, this does not amount to political partisanship  
15 of the directed study program.

16 The University also appears to be fully accredited, *see* <http://www.olivet.edu/fast-facts/>,  
17 and the directed study program is listed as a standard curriculum on the university's website, *see*  
18 <http://www.olivet.edu/directed-study/>. Accordingly, nothing suggests the internship program

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<sup>3</sup> There is no information to indicate that the student received any other form of compensation, e.g. a scholarship or stipend, for participating in the internship program. The available information indicates that participants in the University's directed study program are required to pay regular tuition to the University. See <http://www.olivet.edu/directed-study/> (last visited January 30, 2013).

<sup>4</sup> The Commission in Advisory Op. 1975-100 did not set forth specific criteria for evaluating whether an internship program is nonpartisan, nor have there been any subsequent opinions or enforcement matters providing further guidance for determining whether this standard is met. When the opinion was issued, two Commissioners dissented, stating that they would not have required that such a program be conducted in a nonpartisan manner or in accordance with accreditation standards. See Dissent of Comm'rs Aikens & Harris, Advisory Op. 1975-100 (Moss).



1 was not conducted in a manner consistent with accepted accreditation standards generally  
2 applicable to institutions of higher education.

3 Based on the above, we recommend that the Commission find no reason to believe that  
4 Olivet Nazarene University, Walter ("Woody") Webb, and Dennis Crocker violated 2 U.S.C.  
5 § 441b(a), or that Friends of Brian Woodworth and Hilary Woodworth in her official capacity as  
6 treasurer violated 2 U.S.C. §§ 434(b) and 441b(a), and close the file.

7 **IV. RECOMMENDATIONS**

- 8 1. Find no reason to believe that Olivet Nazarene University, Walter ("Woody")  
9 Webb, and Dennis Crocker violated 2 U.S.C. § 441b(a).  
10  
11 2. Find no reason to believe that Friends of Brian Woodworth and Hilary Woodworth  
12 in her official capacity as treasurer violated 2 U.S.C. §§ 434(b) and 441b(a);  
13  
14 3. Approve the attached Factual and Legal Analysis;  
15  
16 4. Approve the appropriate letters; and

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5. Close the file.

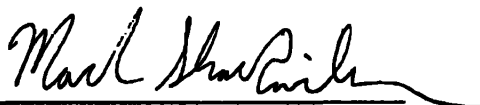
Anthony Herman  
General Counsel


Daniel Petalas  
Associate General Counsel  
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Date

2-1-13

  
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Attorney

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